

## Message Text

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67

ORIGIN SS-30

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /031 R

DRAFTED BY EA/VN:RJROSENBERG:FCC

APPROVED BY EA:MSTERN

EA/VN:RHWENZEL

IO/UNP:CSCHALLER

EUR:JAARMITAGE

NEA/IRN:JMIKLOS

L/EA:OTJOHNSON

S/S: MR. GAMMON

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON IMMEDIATE

AMEMBASSY MOSCOW IMMEDIATE

USLO PEKING IMMEDIATE

AMEMBASSY JAKARTA IMMEDIATE

AMEMBASSY BUDAPEST IMMEDIATE

AMEMBASSY WARSAW IMMEDIATE

AMEMBASSY TEHRAN IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

USMISSION USUN NY IMMEDIATE

INFO AMEMBASSY SAIGON IMMEDIATE

USDEL JEC PARIS

S E C R E T STATE 212451

EXDIS

E.O. 11652:GDS

TAGS: MILI, VS

SUBJECT: DRV VIOLATIONS OF PARIS AGREEMENT

1. FOLLOWING IN PARA 3 BELOW IS TEXT OF US NOTE DATED OCTOBER 26, 1973, TO DEMOCRATIC REPUBLIC OF VIET-NAM ON HANOI VIOLATIONS OF ARTICLE 7 OF THE PARIS AGREEMENT.
2. REQUEST YOU CONVEY AS SOON AS POSSIBLE TO HOST GOVERN-  
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MENTS AND UNSYG UNDER FOLLOWING COVER NOTE:

BEGIN TEXT: COMPLIMENTARY OPENING..AND HAS THE HONOR TO REFER TO THE AGREEMENT ON ENDING THE WAR AND RESTORING

PEACE IN VIET-NAM, SIGNED AT PARIS JANUARY 27, 1973, AND TO THE ACT OF THE INTERNATIONAL CONFERENCE IN VIET-NAM, SIGNED AT PARIS ON MARCH 2, 1973.

IN ACCORDANCE WITH ARTICLE 6 OF THE ACT, (BLANK) HAS THE HONOR TO ENCLOSE THE TEXT OF A NOTE DATED OCTOBER 26, 1973, FROM THE DEPARTMENT OF STATE OF THE UNITED STATES OF AMERICA TO THE MINISTRY OF FOREIGN AFFAIRS OF THE DEMOCRATIC REPUBLIC OF VIET-NAM ON THE SUBJECT OF DEMOCRATIC REPUBLIC OF VIET-NAM SHIPMENTS OF WAR MATERIAL INTO SOUTH VIET-NAM SINCE JANUARY 27 IN VIOLATION OF ARTICLE 7 OF THE JANUARY 27 PARIS AGREEMENT.

COMPLIMENTARY CLOSING. END TEXT

3. TEXT OF US NOTE TO DRV:

QUOTE

THE DEPARTMENT OF STATE OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE DEMOCRATIC REPUBLIC OF VIET-NAM AND HAS THE HONOR TO REFER TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIET-NAM OF JANUARY 27, 1973.

THE UNITED STATES REFERS TO RECENT STATEMENTS BY THE DEMOCRATIC REPUBLIC OF VIET-NAM THAT THE UNITED STATES IS ILLEGALLY PROVIDING MILITARY ASSISTANCE TO THE REPUBLIC OF VIET-NAM AND STATES THAT THESE CHARGES ARE WITHOUT ANY FOUNDATION AND INTENDED TO MASK THE DEMOCRATIC REPUBLIC OF VIET-NAM'S OWN CONTINUING VIOLATIONS OF THE PARIS AGREEMENT. THE UNITED STATES DRAWS THE DEMOCRATIC REPUBLIC OF VIET-NAM'S ATTENTION TO THE FACT THAT, AS SET FORTH IN THE UNITED STATES NOTE OF APRIL 20, 1973, TO THE SIGNATORIES OF THE MARCH 2, 1973 ACT OF THE INTERNATIONAL CONFERENCE ON VIET-NAM AND IN THE UNITED STATES NOTE TO THE DEMOCRATIC REPUBLIC OF VIET-NAM DATED SEPTEMBER 10, 1973, THE DEMOCRATIC REPUBLIC OF VIET-NAM SIDE HAS SHIPPED VAST QUANTITIES OF WAR MATERIAL INTO SOUTH VIET-NAM SINCE JANUARY  
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28 IN VIOLATION OF ARTICLE 7 OF THE PARIS AGREEMENT.

THE UNITED STATES NOTES THAT ALSO IN CONTRAVENTION OF ARTICLE 7 OF THE PARIS AGREEMENT THE DEMOCRATIC REPUBLIC OF VIET-NAM SIDE HAS DESPATCHED LARGE NUMBERS OF NORTH VIETNAMESE TROOPS INTO SOUTH VIET-NAM SINCE JANUARY 28, 1973. SOME OF THESE TROOPS ENTERED SOUTH VIET-NAM BY CROSSING THE DEMILITARIZED ZONE IN VIOLATION OF ARTICLE 15(B) OF THE AGREEMENT, WHILE OTHERS ENTERED THROUGH LAOS AND CAMBODIA, VIOLATING ARTICLE 20(A).

THE UNITED STATES FURTHER NOTES THAT THE DEMOCRATIC REPUBLIC OF VIET-NAM HAS FAILED TO HONOR ITS COMMITMENT IN THE

JOINT COMMUNIQUE OF JUNE 13 TO DESIGNATE THREE ADDITIONAL POINTS OF ENTRY AND TO DISCUSS IN THE TWO PARTY JOINT MILITARY COMMISSION MODALITIES FOR THE SUPERVISION OF THE REPLACEMENT OF ARMAMENTS, MUNITIONS, AND WAR MATERIAL PERMITTED UNDER ARTICLE 7 OF THE PARIS AGREEMENT.

IN ADDITION, BECAUSE OF THE DEMOCRATIC REPUBLIC OF VIET-NAM SIDE'S FAILURE TO COOPERATE WITH THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION (ICCS) AND TO PROVIDE IT ASSISTANCE AND PROTECTION AS REQUIRED BY

ARTICLE 10 OF THE ICCS PROTOCOL, THE ICCS HAS BEEN UNABLE TO STATION AND MAINTAIN TEAMS AT CERTAIN LOCATIONS WHERE ARTICLE 4(D) OF THE ICCS PROTOCOL REQUIRES THAT SUCH TEAMS BE STATIONED: GIO LINH, LAO BAO, DUC CO AND XA MAT. IN CONSEQUENCE OF THESE FAILURES BY THE DEMOCRATIC REPUBLIC OF VIET-NAM TO HONOR ITS COMMITMENTS UNDER THE PARIS AGREEMENT AND ITS PROTOCOLS THE MACHINERY PROVIDED FOR IN THE AGREEMENT TO SUPERVISE REPLACEMENT OF WAR MATERIALS BY THE TWO SOUTH VIETNAMESE PARTIES HAS NEVER BEEN ESTABLISHED. RESPONSIBILITY FOR THE LACK OF SUPERVISION OF, AND CONTROL OVER, IMPORT OF WAR MATERIALS INTO SOUTH VIET-NAM LIES ENTIRELY WITH THE DEMOCRATIC REPUBLIC OF VIET-NAM.

THE UNITED STATES URGES THE DEMOCRATIC REPUBLIC OF VIET-NAM SIDE TO REMEDY THIS DANGEROUS SITUATION BY CEASING ALL VIOLATIONS OF ARTICLE 7 OF THE PARIS AGREEMENT; BY

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AT ONCE FORMALLY DESIGNATING THREE ADDITIONAL POINTS OF ENTRY; BY AT ONCE BEGINNING DISCUSSIONS IN THE TWO-PARTY JOINT MILITARY COMMISSION REGARDING THE MODALITIES FOR THE SUPERVISION OF THE REPLACEMENT OF WAR MATERIALS PERMITTED UNDER ARTICLE 7; AND BY IMMEDIATELY INVITING THE ICCS TO SEND ITS TEAMS TO GIO LINH, LAO BAO, DUC CO, AND XA MAT, PROVIDING THEM WITH SUITABLE QUARTERS AND OTHER AMENITIES. ONLY IN THIS WAY CAN ARTICLE 7 OF THE PARIS AGREEMENT BE IMPLEMENTED AND VIOLATIONS BY EITHER SIDE BE PREVENTED.

THE DEMOCRATIC REPUBLIC OF VIET-NAM WILL RECOGNIZE THAT IT HAS A GRAVE RESPONSIBILITY IN THIS MATTER AND THAT ON THE COURSE IT ELECTS TO FOLLOW THE PROSPECTS FOR LASTING PEACE IN VIET-NAM WILL DEPEND. END QUOTE KISSINGER

SECRET

<< END OF DOCUMENT >>

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 11 MAY 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, WAR, MILITARY EQUIPMENT, MILITARY ASSISTANCE, MILITARY PERSONNEL  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 27 OCT 1973  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** thigpegh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE212451  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** EA/VN:RJROSENBERG:FCC  
**Enclosure:** n/a  
**Executive Order:** 11652 GDS  
**Errors:** n/a  
**Film Number:** P750020-1018  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19731066/abqcejhq.tel  
**Line Count:** 156  
**Locator:** TEXT ON-LINE, TEXT ON MICROFILM  
**Office:** ORIGIN SS  
**Original Classification:** SECRET  
**Original Handling Restrictions:** EXDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** SECRET  
**Previous Handling Restrictions:** EXDIS  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** thigpegh  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 27 JUL 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <27-Jul-2001 by thigpegh>; APPROVED <27-Nov-2001 by thigpegh>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** DRV VIOLATIONS OF PARIS AGREEMENT  
**TAGS:** MILI, VS, US, CB, LA, UN  
**To:** LONDON  
MOSCOW  
PEKING  
JAKARTA  
BUDAPEST  
WARSAW  
TEHRAN

PARIS  
USUN NY INFO SAIGON  
JEC PARIS

**Type:** TE

**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005